

VZCZCXYZ0014  
PP RUEHWEB

DE RUCNDT #1090/01 3331929  
ZNR UUUUU ZZH  
P 291929Z NOV 07  
FM USMISSION USUN NEW YORK  
TO RUEHC/SECSTATE WASHDC PRIORITY 3216  
INFO RUEHGB/AMEMBASSY BAGHDAD PRIORITY 0640  
RUEHBUL/AMEMBASSY KABUL PRIORITY 0198  
RUEHKH/AMEMBASSY KHARTOUM PRIORITY 0983  
RUEHGO/AMEMBASSY RANGOON PRIORITY 0217  
RUEHGV/USMISSION GENEVA PRIORITY 2958

UNCLAS USUN NEW YORK 001090

SIPDIS

SIPDIS

E.O. 12958: N/A  
TAGS: [UNGA](#) [PHUM](#) [PREF](#) [PTER](#) [SU](#)  
SUBJECT: UNGA THIRD COMMITTEE: TORTURE, IDPS,  
COUNTERTERRORISM, SUDAN, AND BURMA

11. (U) Summary: On October 29, the Third Committee of the UN General Assembly heard reports on torture, on the human rights of internally displaced persons, on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and on the situation of human rights in the Sudan, as well as a presentation about the UN Secretary-General's report on the human rights situation in

SIPDIS  
Burma. End Summary

-----  
Special Rapporteur on Torture  
-----

12. (U) Manfred Nowak, Special Rapporteur on Torture, emphasized the role of forensic medical expertise in combating torture and stated that the absence of effective investigations is the major reason for the continuing use of torture. Overcrowding is one of the obstacles to preventing torture and mistreatment, said Nowak, arguing overcrowding could be avoided by reducing the length of pre-trial detention and of imprisonment for minor crimes.

13. (U) Iran asked for more details on torture in relation to counter-terrorism measures and secret detention centers. Responding to the question, Nowak called on all countries with secret detention centers to provide even high-level terrorism suspects with due process. Also in response to questions, he said that ideally there should be a central registry of detainees in every country and that every form of enforced disappearance and secret detention for an extended period of time amounts to torture.

14. (U) South Africa asked about the legality of renditions which lead to the death penalty and torture and wondered whether renditions should be conducted in a way that leads to criminal prosecution. Nowak said renditions to countries with harsh interrogation methods constitute a serious violation of human rights.

-----  
Human Rights of IDPs  
-----

15. (U) Walter Kalin, Representative of the Secretary-General on the human rights of internally displaced persons, said IDPs have three possible durable solutions: return to the place of origin, local integration, or settlement in another part of the country. Kalin argued that displacement only ends when one of the three options occurs and the IDPs no longer have needs relating to their displacement. He stated

that IDPs must participate in the peace process and issues relating to IDPs must be addressed in order to create a lasting solution.

¶6. (U) Kalin noted improvements in the situations of IDPs in Nepal, Southern Sudan, and Northern Uganda, but he said the situation in the Central African Republic is still troubling.

He noted that in Afghanistan displacement has the potential to increase dramatically due to escalating hostilities, return of refugees from Iran and Pakistan in an unsustainable manner, and lack of humanitarian access. He expressed deep concern for the situation in Iraq, noting "I fear that a humanitarian crisis is in the making in Iraq that will haunt us for a long time." He also expressed concern for the situations in Somalia, East Timor, Sri Lanka, DRC and Sudan.

¶7. (U) Ambassador Grover Joseph Rees, speaking for the United States, expressed support for the cluster approach in addressing the issue of IDPs. He noted that it is the primary responsibility of governments to protect civilians and that the international community's role should be complementary. (Full text can be found at [www.usunnewyork.usmission.gov/press\\_releases/20071029\\_273.html](http://www.usunnewyork.usmission.gov/press_releases/20071029_273.html)).

-----  
Human Rights and Counterterrorism  
-----

¶8. (U) Martin Sheinin, Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, focused on challenges to refugee law and international protection posed by counter-terrorism measures. He highlighted areas of concern including exclusion of refugees, repatriation of persons detained for reasons relating to terrorism, and global responsibility for international protection. He also noted a trend toward detention of asylum seekers and pre-entry interception, particularly at sea. He stated that, despite diplomatic

assurances, states must independently assess the risk of torture before sending an individual to a receiving state.

¶9. (U) Mr. Sheinin stated that he is encouraged by positive signals that the United States plans to close down the detention facility at Guantanamo Bay. He highlighted the recommendation in his report to close down the facility and either release detainees or put them on trial for their alleged crimes. He said all states should be prepared to receive prisoners detained for terrorism-related reasons but against whom no charges have been initiated. He also noted the recommendation that the UNCHR be involved in resettlement of Guantanamo detainees.

¶10. (U) Sheinin expressed regret that he was not given the opportunity to interview in private detainees from Guantanamo or other places where the United States holds individuals suspected of terrorist acts, but he noted that the U.S. government has extended an invitation to observe proceedings of military commissions. The United States intends to include domestic and foreign observers in the proceedings, said the U.S. delegate, noting that the hearings are consistent with all applicable law. Switzerland asked about the use of military courts to try civilians. Sheinin said while there is no international law that would outlaw civilian trials in military courts, the Human Rights Council had determined that the situation should be avoided as it will likely lead to violations of human rights. (Full text of the U.S. statement at [www.usunnewyork.usmission.gov/press\\_releases/20071029\\_285.html](http://www.usunnewyork.usmission.gov/press_releases/20071029_285.html)).

¶11. (U) In response to a question on best practices in combating terrorism, Sheinin noted that in terms of support, health care, and compensation for victims of terrorism, the international community has a lot to learn from the United States. He also stated that while both Israel and the United States apply the notion of unlawful combatant, in Israel there is judicial review of this classification at periodic

intervals.

-----  
The Secretary General's Report on Burma  
-----

¶12. (U) Lynn Pascoe, UN Undersecretary-General for Political Affairs, introduced the Secretary-General's Report on Burma. He outlined the key areas of concern, including the situation of political prisoners, the participation of the people of Burma in the political process, the need for unhindered humanitarian access, better cooperation with the UN and other humanitarian agencies, cessation of hostilities in conflict areas, and the need for cooperation with the ILO to address forced labor complaints. He also described the main objectives of the recent visit by Special Adviser Gambari. These objectives included to assess the situation on the ground, to demonstrate the high level of interest in the situation, and to promote dialogue between the government and the opposition in an effort to create national reunification and end the conflict.

¶13. (U) The delegate of Burma said it was the first time an Undersecretary-General for Political Affairs had introduced a human rights report in the Third Committee. He said this shows politically motivated "selectivity" and called for constructive, cooperative deliberation rather than politicization. He said the curfew in Burma had been lifted and normalcy restored, 2,700 demonstrators called in briefly for questioning had been released, and the minister appointed as a liaison with Aung San Suu Kyi had met with her on October 25. He outlined what he said were areas of progress, including the establishment with the ILO of a mechanism to address forced labor, the fight against narcotic drugs, and government openness to UN agencies. He said events in Burma were the result of rabble-rousers and political activists manipulating a small protest over fuel prices, and the international community must distinguish between the real situation and the propaganda.

Ambassador Rees spoke briefly for the U.S. to thank U/S Pascoe and to defend the appropriateness of his having presented the report.

-----  
Human Rights in Sudan  
-----

¶14. (U) Sima Samar, Special Rapporteur on the Situation of Human Rights in the Sudan, focused on areas outside of

Darfur. She outlined her recommendations for action by the Government of National Unity, the warring factions, the Government of Southern Sudan, the international community and the UN.

¶15. (U) Sudan's delegate replied that the government of Sudan has cooperated fully with the Special Rapporteur and numerous regional and international human rights instruments and alleged that her report contained inaccurate information and does not serve the cause of human rights in Sudan. He called for an end to her mandate.

¶16. (U) Ambassador Grover Joseph Rees delivered the U.S. statement, expressing a desire for further information on the implementation of the Joint Communiqué and the Comprehensive Peace Agreement. He also expressed concern about escalating violence and support for Security Council action against parties undermining the peace process in Darfur. (The full text of this statement is available at [www.usunnewyork.usmission/press\\_release/20071\\_029\\_283.html](http://www.usunnewyork.usmission/press_release/20071_029_283.html)).

¶17. (U) In response to criticism by the EU, Canada and the United States, the Sudanese delegate noted the "illegal trafficking of children" involving a French NGO taking Sudanese children to Chad. Libya said the high-level conference in Tripoli demonstrated the Sudanese government's

desire to end the conflict and the human rights violations. Syria called on the international community to exert pressure on rebel groups to participate in negotiations in Tripoli, rather than criticize the Sudanese government. The Egyptian delegate said failure to implement a Security Council resolution on Sudan was not Sudan's fault, but rather the fault of those who pushed the draft resolution through without securing agreement from the government of Sudan. Khalilzad